

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MAY 1, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 1, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson  
Absent: Council Members – None  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

**B-1 "Review and Discussion of Proposed Vending Ordinance"**

Community Improvement Manager Joseph Wood provided a presentation regarding a proposed ordinance for mobile food vendors. Specific topics of discussion included the Stockton ordinance, previous difficulties and complaints with mobile food vending operations, land use issues regarding vending, specific Municipal Code sections affected by vending operations, discussions between local mobile food vendors and staff, permit to operate, process and specific conditions outlined in proposed ordinance, location, time limitations, operations on private property versus public property, sanitation concerns, health regulations, post and enforce no loitering, penalty standards, and available options.

In response to Council Member Hansen, Mr. Wood stated he is not aware of any lunch truck mobile vendors operating in the residential areas.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, and Mr. Wood regarding the impact of a 100 and 300 foot buffer on current lunch truck vendor operations and alternatives to the buffers including hours of operation, electrical hook-ups, traffic safety, and proximity to residential units.

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated the buffers apply to the public right of ways and not to private property.

In response to Mayor Johnson, Mr. Wood stated there are no general limitations as to hours of operation for a vendor truck, but there are some limitations in a commercial area.

In response to Council Member Hansen, Mr. Wood provided an example of an approved permanent table and chair set-up in Modesto, which allows for multiple vendors to operate in the planned area. Mr. Wood stated Stockton does not appear to have any buffer regulations or other restrictions other than operations are not permitted in residential areas.

Discussion ensued between Council Member Hansen, Mayor Pro Tempore Mounce, and City Manager King regarding the need for paved lots, current operations on Lodi Avenue and Main Street, standards of operation for mobile food vending, and a workable solution to address various concerns such as concentration, residential impact, food handling, site access, and design issues.

In response to Council Member Hansen, Mr. Wood stated health regulations require restroom facilities within 200 feet and business owner permission for food handler purposes for any vendor that is parked in one location for an extended period of time.

In response to Mayor Johnson, the only alternative for vendors, who do not have access to restroom facilities with hot water within 200 feet, is to go somewhere else. Community Development Director Hatch stated the idea is to allow operations in a safe and healthy manner so as to meet all regulations imposed upon the vendors and the City. He stated individual review lends itself well to that.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated the language addresses push carts and ice cream trucks with an option to address all vending in residential areas.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated there are no buffer restrictions currently and the hours of operation restrictions might be a good alternative to buffers.

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated Stockton does not have a specific buffer requirement for commercial operating next to residential. He also stated a conditional use permit may address some of these concerns.

City Manager King stated the matter will likely be reagendaized in June.

**PUBLIC COMMENTS:**

- David LeBeouf, legal counsel for some of the vendors, spoke in opposition to a buffer and suggested hours of operation restrictions as a good alternative. He specifically discussed the progress of the ordinance, buffer concerns regarding restrictions on doing business on main streets, the effectiveness of the permit process, encroachment permits as overkill, hearing requirements for due process, and the Stockton ordinance. City Attorney Schwabauer explained the due process rights that would be available for permit revocation.

In response to Mayor Pro Tempore Mounce, Mr. LeBeouf agreed that vending is not permitted in residential areas.

Discussion ensued between Council Member Hitchcock and Mr. LeBeouf regarding the differences between indoor and outdoor business operations, trips in and out of the business, loitering and noise concerns, and permanent seating.

- Eileen St. Yves spoke in opposition to buffer restrictions and in favor of mobile food vendors in general based on her previous experience with indoor businesses and her beliefs in free enterprise and competition.

In response to Mayor Pro Tempore Mounce, Senior Traffic Engineer Paula Fernandez stated the distance between the operation on Turner Road and Church Street and the residential across the street is within a 100 foot radius.

Discussion ensued between Maria Lopez and Mayor Pro Tempore Mounce regarding a specific noise incident that occurred at the Cherokee Lane and Locust Street location.

City Manager King stated it is important to avoid a case by case determination and the preference is to treat a class of business similarly to one another.

In response to Mayor Johnson, Mr. Hatch stated the permit to operate will be the equivalent of a conditional use permit and the Council can preclude tables and chairs outright; although, Stockton permitted the tables and chairs in certain areas as more of a land use decision.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated a 100 foot buffer would affect approximately nine vendors and a 400 foot buffer between vendors would affect approximately four to five vendors.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:22 a.m.

ATTEST:

Randi Johl, City Clerk